

REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE TOWN HALL, 8635 CLINTON STREET
IN SAID TOWN ON WEDNESDAY, DECEMBER 16, 2020
AT 6:00 P.M.

Town Supervisor Miscione called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

Councilman James J. Messa
Councilman Richard Lenart
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Deputy Supervisor Anthony J. Trevisani
Highway/Sewer Superintendent Richard C. Sherman
Human Resource Department Barbara Schwenzfeier
Town Attorney Herbert J. Cully
Account Clerk Lisa Smigle
Police Chief Mike Inserra

OTHER TOWN OFFICIALS/EMPLOYEES ABSENT:

Deputy Clerk I Melody K. Fancett

Thereafter, the Supervisor declared a quorum present for the transaction of business.

PUBLIC PRESENTATIONS/COMMENTS:

The Town Supervisor invited anyone present who wished to address the Town Board to come forth at this time.

NEW HARTFORD VILLAGE FIRE CHIEF:

Supervisor Miscione introduced the new Village of New Hartford Fire Chief Scott Nicotera and let him introduce himself to the Town Board.

APPOINTMENT: DEPUTY CLERK II:

Councilman Lenart introduced the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does hereby appoint Jade A. Giglio to fill the vacancy of full-time Deputy Clerk II in the New Hartford Town Clerk's Office at an annual salary of \$24,000.00 payable bi-weekly with full benefits beginning December 17, 2020 and at the pleasure of the New Hartford Town Clerk.

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly ***ADOPTED***.

BUDGET TRANSFER – POLICE DEPARTMENT:

Councilman Lenart introduced the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION OF 2020)

RESOLVED that the New Hartford Town Board does hereby approve the budget transfer in the Police Department: The Town Board authorizes the finance office to transfer \$30,000 from account BP3120.110 to BP3120.40.

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly ***ADOPTED***.

WILLOWVALE SERVICE AWARD PROGRAM:

Town Attorney Herbert Cully read the following resolution for consideration by the Town Board:

The New Hartford Town Board does hereby consider the section under General Municipal Law that credits can be obtained by volunteer fire fighters by earning credits based on points. The points relates to the service activities earned by volunteer firefighters that include training courses, drills, stand by, being an elected officer, being a delegate, attending meeting, and being on call responses. Town Attorney Cully further explains that due to the COVID-19 pandemic this was limited to a great extent which impacts the volunteer fire fighters in getting their service awards. The State Legislator did enact a law that indicates that a municipality can grant volunteer firefighters up to five (5) points each month towards their fifty (50) point requirement that the firefighters are required to obtain to get their retirement credit. Town Attorney Cully drafted a resolution at the request of Councilman Messa and with the help of Councilman Reynolds to ask the Town Board if they wish to move forward and adopt the legislation and explains to the Town Board they can grant up to five (5) points but it does not have to be five (5) points, that it can be a lesser number than five (5) per month and that's why the award portion of his resolution was

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left blank. This resolution is only during the State of Emergency with the COVID -19 Pandemic or until the Governor lifts the regulations and that this resolution is not forever.

Councilman Messa introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 12:16:20 OF 2020)

RESOLVED that the New Hartford Town Board does hereby grant the volunteer firefighters five (5) points per month retroactive from the time the emergency pandemic started and until the time the governor lifts the pandemic restrictions towards their Service Award Program credits.

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly ***ADOPTED***.

SOLAR LAW DISCUSSION:

Town Supervisor Miscione explained that the Town Board had the public hearing on the Solar Law and that it was discussed with many residents and it was referred to the Planning Board and received a lot of feedback.

Town Attorney Cully explained to the Town Board that at the end of the Planning Board meeting they had quite a discussion regarding the Solar Law and that the comments that relates to the Washington Mills Athletic Park was thrown in to the Law because it was initially mentioned but Town Attorney Cully believes Supervisor Miscione later changed his mind. Town Attorney Cully further explains that there was some concern about including the Washington Mills Athletic Park and other Board members raised some concerns regarding some modifications to the Solar Law. Town Attorney Cully said he is going to go ahead and make the modifications to the Solar Law and asked the Town Board how they feel regarding the Washington Mills Athletic Park and if they want it included or not.

Councilman Reynolds stated the issue was it was asked initially to be a site for a solar farm and a question was raised that if the land is not adequate for soccer fields then how can it be suitable for a solar farm.

Supervisor Miscione explained that they were initially thinking to trade a portion of park land for other park land and he was thinking of putting in an area for the soccer fields and baseball fields where everything would not get flooded out in that area and use the flooded portion of land for the solar farm.

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Councilman Lenart asked Town Attorney Cully if he was correct in saying that the Engineer said the Town would not get approval anyways because it's wet lands.

Supervisor Miscione said that's why that area was removed from the law and the Town can build from that point. He said to see how the first project works out for the Town.

Town Attorney Cully stated he will remove the Washington Mills Athletic Park from the Solar Law and he will provide the Town Board with a revised copy of the Solar Law. He further explained that the revisions will need to go back to the Town Planning Board in their January 2021 meeting and then would come back to the Town Board.

AUDIT OF VOUCHERS:

Councilman Woodland presented the following Resolution for adoption; seconded by Councilman Lenart:

(RESOLUTION NO. OF 2020)

RECORD OF CLAIMS #1

#'S TA480-1

TA480	\$	7.60
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TOTAL RECORD OF CLAIMS TOTAL #1	\$	7.60
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RECORD OF CLAIMS #2

#'S A480-1

A480	\$	150.00
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TOTAL RECORD OF CLAIMS TOTAL #2	\$	150.00
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RECORD OF CLAIMS #3

#'S DB480-1

DB480	\$	30.38
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TOTAL RECORD OF CLAIMS TOTAL #3	\$	30.38
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RECORD OF CLAIMS #4

#'S SS480-1

SS480	\$	1,564.01
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TOTAL RECORD OF CLAIMS TOTAL #4	\$	1,564.01
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RECORD OF CLAIMS #5

#'S 4281-4289

A600	\$	3,704.56
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B600	\$	236.39
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BP600	\$	3,561.98
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SL600	\$	9,677.51
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SS600	\$	35.56
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TA600	\$	888.43
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TOTAL RECORD OF CLAIMS TOTAL #5 \$18,104.43

RECORD OF CLAIMS #6

#'S 4290-4308

A600	\$10,892.35
B600	\$ 20.08
BP600	\$ 1,054.16
DB600	\$32,713.47
SS600	\$ 3,527.11
TA600	\$ 6,762.92

TOTAL RECORD OF CLAIMS TOTAL #6 \$54,970.09

RECORD OF CLAIMS #7

#'S 4311-4325

A600	\$30,813.92
B600	\$ 4,744.52
BP600	\$47,281.21
SS600	\$ 872.21
TA600	\$12,210.05

TOTAL RECORD OF CLAIMS TOTAL #7 \$95,921.83

RECORD OF CLAIMS #8

#'S 4326-4342

A600	\$13,902.30
B600	\$ 20.08
BP600	\$ 314.20
DB600	\$10,066.11
SL600	\$ 6,312.24
TA600	\$ 5,169.39

TOTAL RECORD OF CLAIMS TOTAL #8 \$58,927.03

RECORD OF CLAIMS #9

#'S 4343-4470; 4472-4581

A600	\$125,778.29
B600	\$ 3,339.80
BP600	\$ 35,615.05
DB600	\$102,462.71
HR600	\$ 7,771.50
HRB600	\$ 10,670.45
SS600	\$144,812.74

TOTAL RECORD OF CLAIMS TOTAL #9 \$430,450.54

TOTAL RECORD OF CLAIMS 1-9 \$660,125.91

Upon roll call, the Board members voted as follows:

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Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly ***ADOPTED***.

HUMAN RESOURCE BUDGET TRANSFERS:

Town Supervisor Miscione explained that the Human Resource Director Schwenzfeier provided the Town Board with a list of budget transfers for the Town Board to approve for the end of year overtime and for payroll.

Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION OF 2020)

RESOLVED that the New Hartford Town Board does hereby approve and authorize Human Resource Schwenzfeier to enter the budget transfers in to the IFM system along with the Finance Office Secretary Smigle:

FURTHER RESOLVED that the Town Board does approve the budget transfer as presented to the Town Board to cover the costs of end of year payroll and overtime as presented below:

DEPARTMENT:	DEBIT ACCOUNT:	CREDIT ACCOUNT:	AMOUNT:
Highway OT	DB5142.11	DB5110.10	\$97,646.45
Highway Drainage	DB5111.10	DB5110.10	\$63,000.00
Parks Department		A7020.11	\$1,951.61
Overtime	A7020.13	A7110.18	\$2,537.67
	A7110.19		\$1,625.56
Bldg. & Grounds	DB5110.10	A1620.11	\$127.25
Codes	B8010.10	B8010.13	\$3,014.10
Police OT	BP3120.110	BP3120.100	\$46,715.04
Police Detail	BP3120.101	BP3120.100	\$25,420.00
Youth Employment	A1470.10	A1410.11	\$2,423.16

Unemployment from Employee Account to Unemployment Account:

Court	A1110.11	2080
	A1110.12	2233.32
	A1110.13	2599.64
	A1220.12	882.74
	A1355.12	5406

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Senior Center	A6772.11		5512
	A6772.13		176.19
	A6772.12		1364.48
Parks	A7140.11		1609.39
Total to 9050.8			21863.76
Planning Bd.	B9050.8	B8010.11	25.02
Police	BP9050.8	BP3120.21	15489.34
Crossing Guards			

***Figures provided by Human Recourse Director Barbra Schwenzfeier to Town Board and attached as Schedule A of this set of minutes:

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly ***ADOPTED***.

HIGHWAY DEPARTMENT BUDGET TRANSFERS:

Town Supervisor Miscione explained that Highway Superintendent Sherman provided the Town Board with a budget transfer for the Town Board to approve for the Highway Department.

Councilman Messa introduced the following Resolution for adoption; seconded by Councilman Lenart:

(RESOLUTION OF 2020)

RESOLVED that the New Hartford Town Board does hereby approve and authorize the Highway Department and Finance Officer Smigle to transfer \$3,000.00 from account DB5140.40 to account DB5130.02.

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly ***ADOPTED***.

BLEACHERY AVE. UPDATE:

Councilman Messa asked Highway Superintendent Sherman for an update on where the Town is with the house on Bleachery Ave in Chadwicks.

Highway Superintendent Sherman explained that the water has been taken care of the electric has been shut off, he said the only thing he is currently waiting for is the gas and then they will be ready to move on it.

Highway Superintendent Sherman asked if the Board was going to approve the Ice Resurfacers Bid and the two street sweepers and that he believes the thirty (30) day referendum was up and that was why the date for the bid opening was originally picked.

Supervisor Miscione replied that he wanted to wait on that resolution because Deputy Clerk I Fancett was absent from the meeting and he was not sure if the thirty (30) day permissive referendum was up or not and if any petitions were turned into the Town Clerk's Office from anyone.

Town Attorney Cully stated he was not aware of any petitions on file to date.

FOXCROFT ROAD & HUBBARDTON ROAD CONCERN:

Councilman Reynolds asked Town Attorney Cully to explain further and said they already previewed this concern with the Engineer John Dunkle and he did mention tonight that if in fact the drainage facility had to be moved it would be a very expensive cost.

Town Attorney Cully explained to the Town Board that the Town received correspondence from an Attorney who represents the property owner of 3 Hubbardton Road indicating the property owner has some very serious concerns with regards to the location of the drainage facility behind her property and is requesting the Town Board to reconsider locating it there. The Attorney Cully expressed that the property owner wished to proceed in an amicable fashion and he does not feel at this point there is any attempt to start any kind of litigation. They are asking the Town to reconsider and adjust the location of the drainage facility as to move it slightly so it does not impact their property.

Councilman Reynolds and Town Attorney Cully explained that the question here is the property owner is claiming ownership by what's called adverse possession which involves the continuous using of someone else's property in an open and victorious fashion for a continuous period of at least ten (10) years. Town Attorney Cully said if the Board wanted to get into the details of this that he would want to discuss it in executive session and not at a public meeting.

Town Attorney Cully stated his feelings and suggestions would be if the cost would be excessive to move it from the current location that he would send the Attorney a letter stating that it was discussed and the meeting can be viewed publicly on facebook but that the Town had discussed the situation with the Town's consultants and they are indicating it would be very costly to the Town to move the location.

Councilman Reynolds said the Town is also looking at trying to get in there very soon to begin the preliminary work on that basin so he feels the Town needs to resolve the issue. He also asked Highway Superintendent Sherman what effect that would have downstream and the culvert which was sized based on this retention area and if it is changed now, then what impact or changes would occur to the work that's already in the ground that the Town has done.

Highway Superintendent Sherman stated yes it would change things and phase 1 was already done. He also state that he also spoke with the Town Engineer who stated if the Town has to move the facility then it would also make what property the Town does have for the retention will then have to be smaller in which case it will not work as the Town intends for it to.

Councilman Messa feels that the current state it's in now maximizes the benefits.

Councilman Lenart added that the Town would also have additional costs with the Engineers in moving the facility and they already spent the initial cost to put it there.

Town Attorney Cully stated his response will then be a letter and he will include the Boards concerns and discussion and he will copy everyone and said they will see what happens.

HIGHWAY EMPLOYEE UPGRADES:

Highway Superintendent Sherman explained to the Town Board he has two laborers who have been employed in the Highway Department for two (2) years and they both are currently plow operators and OPP certified and that they have passed everything required.

Councilman Lenart introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION OF 2020)

RESOLVED that the New Hartford Town Board does hereby approve the position upgrade from Laborer to MEO effective immediately at a contracted rate for Matthew T. Brown.

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly ***ADOPTED***.

Councilman Lenart introduced the following Resolution for adoption; seconded by Councilman Woodland:

(RESOLUTION OF 2020)

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RESOLVED that the New Hartford Town Board does hereby approve the position upgrade from Laborer to MEO effective immediately at a contracted rate for Thomas Farley.

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

SEWER TRUCK:

Highway Superintendent Sherman inquired about the sewer truck the Town previously talked about.

Supervisor Miscione stated the Town would need to go to the Observer Dispatch again because the cost is not currently in the budget. He said the Town should just start from the beginning with that truck and the Town already has the monies in the fund balance.

It was concluded that the sewer truck was being purchased off State Contract (ODS) so they do not have to go through the whole bidding process.

Highway Superintendent Sherman explained to the Town Board the Town has nine (9) pump stations and each station has two (2) pumps. Residents are using wipes and mop wipes more and more and their flushing them down the toilet instead of throwing them in the garbage. He explained that once these wipes enter the system that the pumps will not grind them up so they adhere to the bottom of the pump which causes the pump to stop working. The Highway workers have to go in and pull the pump out, get it unclogged and hope it's not damaged and then put the pump back. The Highway Department is currently using the backhoe to lift the pumps out of the stations (pits) and because the backhoe lifts on an angle it's a safety concern and it was brought to Superintendent Sherman's attention they should be using a small Crane to lift these pumps. He found a vehicle that is totally for pumps only and unplugging them and lifting them and replacing them back. He also stated no one in the area has this truck for the Town to borrow; Utica has no pump stations at all.

Highway Superintendent Sherman said the cab and chassis is \$67,725.00 on state contract with a discount of \$12,658.00 for a subtotal of \$55,196.00. The crane part of the vehicle is installed to the back of the truck. It's equipped with a hydraulic pumping system and a hydraulic air compressor and is 4 wheel drive with a diesel engine for a total of \$73,737.00 for a complete package of \$129,000.00 and no one needs a crane license to operate it. The truck will come all assembled through the Ford dealer and then the back end will be built and installed in Iowa. The Town could take possession of the vehicle within four (4) or five (5) months.

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Supervisor Miscione stated if the Town could possibly get twelve (12) years out of the truck and it was used four (4) or five (5) times a year then the Town will be ahead on the cost.

Councilman Messa enquired about the sewer fund balance.

TRANSFER SEWER FUND BALANCES:

Councilman Reynolds introduced the following Resolution for adoption; seconded by Councilman Lenart:

(RESOLUTION OF 2020)

RESOLVED that the New Hartford Town Board does hereby approve a decrease from the Sewer Fund Balance Fund, account SS5999.0 of \$130,000.00 and an increase to the Sewer Equipment Fund, account SS8110.20 of \$130,000.00 for the purchase of said sewer vehicle.

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly ***ADOPTED***.

PURCHASE SEWER TRUCK & EQUIPMENT:

Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Lenart:

(RESOLUTION OF 2020)

RESOLVED that the New Hartford Town Board does hereby approve the purchase of said sewer truck on State Contract no to exceed the total cost of \$129,500.00.

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly ***ADOPTED***.

BOARD ROOM MICROPHONE:

Councilman Woodland inquired about the purchase of a microphone system for the Board Meeting Room.

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Supervisor Miscione replied that once the Town changes IT Companies to Capraro Technologies Inc. they are providing the Town with a written quote.

Councilman Reynolds stated one issue at Butler Memorial Hall was when someone came in to give a presentation they were using an easel and only one (1) or two (2) people could see it. He suggested that now that the Board is in the new location and along with the microphone system he would like that issue addressed also.

Supervisor Miscione replied once Capraro Technologies Inc. takes over on January 1, 2021 and the Board meeting room is going to be equipped with cameras and microphones so everyone will be able to see and hear everything.

2021 ORGANIZATIONAL MEETING:

Councilman Woodland introduced the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION OF 2020)

RESOLVED that the New Hartford Town Board does hereby approve to schedule the 2021 Organizational Meeting to be held at the Town Hall on 8635 Clinton Street, New Hartford, NY 13413 at January 3, 2021 at 11:00 A.M..

FURTHER RESOLVED that the New Hartford Town Board does hereby authorize Deputy Clerk I Fancett to publish the notice of the meeting in the Observer Dispatch and on the Town's community Bulletin Board.

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**

EXECUTIVE SESSION

Councilman Lenart introduced the following Resolution for adoption and Councilman Messa seconded same:

(RESOLUTION NO. OF 2020)

RESOLVED, that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the Highway Union Contracts.

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A roll call vote ensued:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

Thereafter, the Resolution was declared unanimously carried and duly ***ADOPTED***. All persons present, including the news media and Department Heads, were then excused from the meeting. The Town Attorney and Deputy Supervisor remained for the Executive Session.

END OF EXECUTIVE SESSION; ADJOURNMENT

Councilman Woodland then offered the following Resolution for adoption and Councilman Lenart seconded same:

(RESOLUTION NO. OF 2020)

RESOLVED, that the New Hartford Town Board does hereby move to end its Executive Session and to reconvene the regular portion of the Town Board meeting.

The Board members voted upon roll call that resulted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly ***ADOPTED***; the Executive Session ended. The regular portion of the Town Board meeting was immediately reconvened.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of a Councilman and seconded by a Councilman, the meeting was adjourned at an unknown time.

Respectfully submitted,

Melody K. Fancett, Deputy Clerk I